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March 1, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW, Suite TW-A325
Washington, D.C. 20554

In re: EB Docket No. 06-36
Annual 47 C.F.R. § 64.2009(e) CPNI Certification for Calendar Year 2009
Third District Enterprises, LLC; Comm Enterprises, LLC; and James A. Kay, Jr.

Dear Ms. Dortch:

Submitted herewith on behalf of the above-named entities is their CPNI compliance statement and certification for calendar year 2009. This filing is a precautionary measure insofar as these three entities, land mobile radio licensees, are not, we respectfully submit, subject to the annual Rule 62.2009(e). While some of the subject stations may be technically classified as CMRS, licensees would nonetheless not be deemed telecommunications carriers for purposes of most Title II common carrier provisions due to the extremely limited nature and scope of interconnection.¹

Apart from interconnection issues, due to the nature of dispatch communications, licensees probably acquire very little information from or about their customers that would be within the scope of the definition of CPNI in 47 U.S.C. § 222(h)(1). Nevertheless, licensees require that their employees and agents be discrete as to any unique business or communications system information they may receive from their customers. All potential CPNI is thus treated as if it were CPNI, in accordance with the attached compliance statement. Thus, licensees would be in compliance with the requirements of Section 222 of the Communications Act and Part 64, Subpart U, of the Commission's Rules to the extent they may be applicable.²

¹ Licensees provide land mobile radio services to eligible users on an entrepreneurial basis via Part 90 land mobile radio service facilities. These are principally non-interconnected dispatch services. Some of the stations are authorized for interconnect capability, but such capability has not been actually used for several years. The limited form of interconnection capability does not provide for true switched access to the PSTN, users are not assigned telephone numbers, there is no provision for call "hand-off" between repeaters, etc. The very rudimentary form of interconnection was not extensively used by dispatch customers even in the past, and in today's environment, it is used virtually not at all due to the convenience, flexibility, and more extensive capabilities of cellular.

² Some of the stations licensed to James A. Kay, Jr., are used by Nextel Communications of California, Inc., in its geographic ESMR system, pursuant to long-term, de facto spectrum leases approved by the Commission. The operation of that system clearly constitutes telecommunications service. Nevertheless, Mr. Kay is involved in the actual operation of the ESMR system and is not privy to any CPNI that becomes available to Nextel in this regard.

Accordingly, the accompanying compliance statement and certification are hereby tendered, voluntarily and without conceding any obligation to do so, or any future obligation to continue doing so.

Kindly direct any questions or correspondence concerning this matter to the undersigned.

Very truly yours,

A handwritten signature in black ink, reading "Robert J. Keller". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Robert J. Keller
Counsel for Third District Enterprises, LLC;
Comm Enterprises, LLC; and James A. Kay, Jr.

cc: Best Copy and Printing, Inc.
via Email: FCC@BCPIWEB.COM

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

CPNI Compliance Certifications

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EB Docket No. 06-36

**Annual 64.2009(e) CPNI Certification for 2010
Covering the Prior Calendar Year 2009**

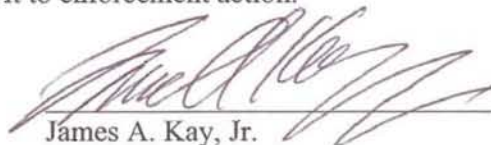
1. Date filed: This certification is being filed on or before March 1, 2010. The information is provided for the reporting period, January 1 through December 31, 2009.
2. Name of companies covered by this certification: (a) James A. Kay, Jr.; (b) Third District Enterprises, LLC; and (c) Comm Enterprises, LLC.
3. Form 499 Filer ID: None of the entities covered by this certification is subject to Form 499 filing requirements.
4. Name of signatory: James A. Kay, Jr.
5. Title of signatory: James A. Kay, Jr., is executing this certification for himself as an individual, and as President and the CPNI compliance officer of Third District Enterprises, LLC; and Comm Enterprises, LLC.
6. Certification: I, James A. Kay, Jr., certify that I am an officer of the companies named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 et seq.

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 et seq. of the Commission's rules.

During the reporting period, the company has not taken actions (i.e., proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

During the reporting period, the company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.


James A. Kay, Jr.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
) EB Docket No. 06-36
CPNI Compliance Certifications)

**Annual 64.2009(e) CPNI Certification for 2010
Covering the Prior Calendar Year 2009**

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James A. Kay, Jr.

Statement of CPNI Compliance Procedures

This statement is submitted on behalf of James A. Kay, Jr.; Third District Enterprises, LLC; and Comm Enterprises, LLC (collectively, the “Licensees”), in support of the associated certification of their compliance with Section 222 of the Communications Act and Part 64, Subpart U, of the FCC Regulations, regarding Customer Proprietary Network Information (“CPNI”).

1. Licensees share and use CPNI and disclose it to employees, contractors, consultants, or other agents, solely in connection with and as necessary to the provision of and billing for such services and goods as contracted for by the customer. All employees, agents, contractors, etc., are expressly prohibited from otherwise disclosing or using any CPNI to anyone else for any other purpose.
2. Notwithstanding the foregoing, CPNI may be disclosed pursuant to and in accordance with a specific written request, properly signed, by the customer. Licensees also reserve the right to use CPNI as necessary (subject to appropriate protective orders, etc.) to defend themselves in any legal actions brought by a customer and in support of any legal action brought against a customer, e.g., an action for breach of contract for nonpayment.
3. Any inquiries from law enforcement officials, any subpoenas, or similar such requests are referred to the Licensees’ designated CPNI Compliance Officer, James A. Kay, Jr., who is solely responsible for authorizing disclosure after consultation with legal or regulatory counsel if necessary. The Licensees do not use CPNI for marketing purposes nor do they sell or otherwise disseminate CPNI to any third party for such purposes.
4. All business records, whether paper or electronic, that contain CPNI are kept in secure locations.
5. All employees, contractors, consultants, or other agents, who may receive and/or use CPNI in the proper discharge of their duties on behalf of customers: (a) are fully informed of and required to comply with the Licensees’ policies regarding handling of CPNI; and (b) are properly trained to discharge this obligation as appropriate to their particular position and function.
6. The CPNI Compliance Officer from time to time designates one or more specific employees stationed at the Licensees’ offices in Van Nuys, California, to monitoring compliance on an ongoing basis, correcting any problems, disciplining any violations, and providing regular reports to the CPNI Compliance Officer.
7. An executed certification of the CPNI Compliance Officer for the Licensees is attached hereto. This filing is being submitted electronically, but the original signed certification will be maintained and provided to Commission staff upon request.